

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LABORERS PENSION TRUST FUND - DETROIT
& VICINITY; LABORERS VACATION & HOLIDAY
TRUST FUND - DETROIT & VICINITY; LABORERS
METROPOLITAN DETROIT HEALTH & WELFARE
FUND; LABORERS ANNUITY FUND - DETROIT &
VICINITY; and MICHIGAN LABORERS TRAINING
FUND, trust funds established under, and administered
pursuant to, federal law,

Plaintiffs,

v.

E & E CONCRETE, L.L.C.

Defendant.

Case No. 05-70130

Honorable PATRICK J. DUGGAN

Magistrate Judge VIRGINIA M. MORGAN

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ORDER

This court has been informed that defendant E & E CONCRETE, L.L.C., has filed a petition in Bankruptcy. In accordance with 11 U.S.C. § 362, this civil action is automatically stayed as to the debtor until the Bankruptcy proceedings in question are terminated or the stay is lifted. 11 U.S.C. §362(c).

The automatic stay provision of the Bankruptcy Reform Act of 1978, 11 U.S.C. § 101, *et seq*,

halts the commencement or continuation of litigation against the debtor by adverse parties; it does not divest this court of jurisdiction to issue necessary orders in civil actions which are stayed in Bankruptcy. See *Connell v. Walker*, 291 U.S. 1, 54 S.Ct. 257 (1934); *Donald F. Duncan Inc. v. Royal Tops Mfg. Co.*, 381 F.2d 879 (7th Cir. 1967), *cert. denied*, 390 U.S. 905, 88 S.Ct. 819 (1968).

Therefore, this Court has decided to administratively close this matter pending termination of the related bankruptcy proceedings.

Accordingly, in the interest of the effective administration of the court's business, without prejudice to any party to this action, and in keeping with the intent and spirit of the automatic stay provision of the Bankruptcy Reform Act, 11 U.S.C. § 362, this matter is hereby **CLOSED** with regard to defendant E & E CONCRETE, L.L.C. This closing is for administrative purposes only and does not constitute a decision on the merits. Upon termination of the aforementioned bankruptcy proceedings, or the lifting of the automatic stay with reference to the instant proceeding, the Court will allow any party to this action to move to reopen this action. Any such motion need only refer to this order and it will be granted.

IT IS SO ORDERED.

s/Patrick J. Duggan
Patrick J. Duggan
United States District Judge

Dated: November 17, 2005

I hereby certify that a copy of the foregoing document was served upon counsel of record on November 17, 2005, by electronic and/or ordinary mail.

s/Marilyn Orem
Case Manager